

Notice of Allowability

Application No.

10/816,681

Examiner

Nicholas D. Rosen

Applicant(s)

WILSON ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE of March 1, 2007.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Nicholas D. Rosen

NICHOLAS D. ROSEN
PRIMARY EXAMINER

DETAILED ACTION

Claims 1-24 have been examined.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 1, 2007 has been entered.

Allowable Subject Matter

Claims 1-12 are allowed.

Claims 13-24 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Price et al. (U.S. Patent Application Publication 2005/0102362), discloses a method for using real-time communication to obtain products or services. Price discloses a real-time chat (aka Instant Messaging) application, which implies launching and logging in to the chat application, and making possible the discovery of any messages from peripheral devices: Price discloses displaying messages from peripheral devices connected to the client device; and displaying products and/or services for the peripheral device (Abstract; paragraphs 18-20, and 25). Price does not disclose selecting a peripheral device from the detected peripheral devices, but the display of messages implies some type of selection (the client device must select

messages to display, which implies selecting a message from a particular peripheral, even if the user does not necessarily select a particular peripheral to display messages from). Price does not expressly disclose obtaining products and/or services for the selected peripheral device, although presumably the "appropriate party" would respond to "an appropriate Instant Messaging message" by obtaining products and/or services, e.g., obtaining more paper from the appropriate drawer for a printer which sends an out-of-paper message, but Harper (U.S. Patent Application Publication 2002/0143642) teaches obtaining such products and/or services (e.g., Abstract; paragraphs 33 and 34). However, neither Price, Harper, nor any other prior art of record discloses that logging into the real-time chat application initiates a device discovery operation on the client device. Moreover, Price tends to teach away from this, since in Price, either the peripheral device sends messages to the client device (user's workstation) when a condition such as a hardware problem or a lack of supplies arises (paragraph 20), which does not suggest a device discovery operation on the client device responsive to logging into the chat application; or else a user sends chosen commands to the peripheral device (paragraph 25), which suggests that the user knows what peripheral device he wishes to send appropriate commands to, again not suggestive of a device discovery operation on the client device responsive to logging into the chat application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mache et al. (U.S. Patent Application Publication 2001/0003202) disclose instant messaging for transmitting messages in (nearly real-time between clients (man and machine).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER

May 18, 2007